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17
18 IN THE UNITED STATES DISTRICT COURT

19 FOR THE DISTRICT OF ARIZONA

20 Matt Jones, Bryson DeChambeau, Peter
Uihlein, and LIV Golf Inc.,

21 Plaintiffs,

22 v.

23 PGA Tour, Inc.,

24 Defendant.

CASE NO. 2:23-mc-00016-SPL

**UNDERLYING CASE: No. 5:22 Civ. 4486
(BLF) (SVK) (N.D. Cal.).**

**PARTIES' JOINT STATUS UPDATE
REGARDING DEADLINE TO SERVE
THIRD-PARTY SUBPOENAS AND
REQUEST TO STAY**

LIV Golf, Inc. (“LIV”) and James Hahn (collectively, “the Parties”), by and through their undersigned counsel of record, respectfully submit this statement pursuant to this Court’s May 10, 2023 Order instructing the Parties to “file a joint notice—no more than three pages—indicating whether the deadline for serving subpoenas on third parties was discussed at the May 22, 2023 Case Management Conference in the underlying action and if so, the effect of that discussion on the pending Motion to Quash (Doc. 1) in this action.” ECF 11.

A. The Underlying Court Clarified LIV’s and the PGA Tour’s Deadline To Serve Third-Party Subpoenas.

On May 22, 2023, LIV and the PGA Tour appeared before the Honorable Beth Labson Freeman in the underlying action, *Jones, et al. v. PGA Tour, Inc.*, Case No. 5:22-cv-04486-BLF-SVK, (N.D. Cal.), for a joint Case Management Conference to, *inter alia*, seek clarification as to the deadline to subpoena third parties. Declaration of Scott Hvidt (“Hvidt Decl.”) ¶ 3. The Court advised LIV and the PGA Tour as follows:

The Court: So Mr. Quinn, you were looking for a modification of the scheduling order to allow propounding subpoenas to third parties by May 26, is that correct?

Mr. Quinn: Yes, your Honor. There was some confusion, some other district courts read the order relating to the last date for production of documents by parties as applying to third parties, so that became a hangup. I understand that [Defendant PGA] Tour does not dispute that that was a misreading of the Court’s order.

The Court: All right. Then you can submit a stipulation and proposed order for me to sign. I can sign it as soon as you send it in. I will let you draft it because you know the four different subpoenas and the different courts you are dealing with, I want to make sure the language is exactly what you need to address the motions to quash on that issue.

Id., Ex. A, 21:9–25.

Accordingly, on May 24, 2023, Judge Freeman signed a Stipulation and Order which: 1) “affirm[ed] that the March 30, 2023 Written Discovery & Document Production Cutoff, ECF 204, was a party deadline and did not apply to the production of documents for nonparty witnesses”; 2) set the deadline to serve subpoena duces tecum on nonparty

witnesses to June 6, 2023 “[f]or the benefit of the parties, non-parties and other courts in which motions to quash nonparty subpoenas on the grounds of untimeliness are pending or future motions may be filed”; 3) confirmed that “[s]ervice of subpoena duces tecum on nonparties prior to June 6, 2023, including such service that occurred prior to the date of this Order, are considered timely”; and 4) “[f]or an avoidance of a doubt, . . . confirm[ed] that LIV Golf Inc.’s (“LIV”) service of four Subpoenas Duces Tecum on nonparties,” including service on Mr. Hahn, “was timely.” Hvidt Decl. ¶ 4, Ex. B, *Jones*’ Court Order (ECF 447).

The Parties thereby submit that, pursuant to the court’s Order, Plaintiff’s service of Mr. Hahn’s subpoena has been deemed timely.

B. The Parties Will Endeavor to Resolve the Remaining Objections to Avoid Further Court Intervention.

The Parties have agreed to undertake additional conferral efforts to resolve Mr. Hahn’s objections to the scope of the Subpoena. To afford sufficient time to iron out his objections, the Parties respectfully request that the Court stay the pending Motion to Quash. If, however, the Court declines to stay this proceeding, Mr. Hahn is willing to withdraw his Motion without prejudice, so that he may refile if the Parties are unable to reach an amicable, global resolution.

Dated: May 24, 2023

Respectfully submitted,

By: /s/ Paul A. Conant

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2023, I electronically transmitted or caused to be transmitted the attached document(s) to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to parties who are CM/ECF registrants.

/s/ Karen Stecker